

SUPPLEMENT TO THE NATIONAL ERA.

FEBRUARY, 1850.

Please Read and Circulate.

Our readers will be glad to be put in possession of the following articles. They appeared recently in papers published in the city of New York. We were desirous to republish some of them in the *Era*, but the crowded state of the paper obliges us to throw them into an EXTRA. Judge Jay's Letter was published in the *New York Evening Post*. It has excited considerable attention there, and will, we doubt not, in other parts of the country. In argument and style it is worthy of its distinguished author.

REVIEW OF CLAY'S COMPROMISE.

Letter to Hon. WILLIAM NELSON, M. C., from WILLIAM JAY.

NEW YORK, 11th February, 1850.

MY DEAR SIR:—As one of your immediate constituents, permit me to express to you my views on the resolutions lately submitted to the Senate by Mr. Clay. They are skillfully drawn, and their true import seems to me to be generally misunderstood, and in many instances intentionally misrepresented. Various considerations combine to render these resolutions acceptable to that class of our northern politicians, who are anxious to be popular at home, without forfeiting their share of the patronage which is dispensed at Washington, by the slave power. The resolutions are eight in number, and I will examine them in their order.

1. This proposes the admission of California as a State, without the imposition by Congress of any restriction on the subject of slavery, and "with suitable boundaries." These words imply that the present boundaries are unsuitable, and must be altered. Let me now call your attention to the true reason for this reservation about boundaries, and respecting which the resolution is silent. During the war, and before the cessation of any territory, the House of Representatives passed the Wilmot Proviso, prohibiting slavery in all the territory that might be acquired. On this the South, with one voice, declared that they would not submit to the exclusion of slavery south of 36° 30'. The Legislature of Alabama resolved that they would not recognize "any enactment of the Federal Government which has for its object the prohibition of slavery in any territory to be acquired by conquest or treaty south of the line of the Missouri compromise." At a public meeting in Charleston, and at which I believe Mr. Calhoun was present, it was resolved that it would be degrading and dishonorable to submit to the prohibition of slavery "beyond what is already yielded by the Missouri compromise;" and innumerable have been the offers and efforts of Southern politicians to extend the compromise line to the Pacific. Hence it is not the exclusion of slavery in California to the north of that line that offends the South; and to admit this anti-slavery State, bounded on the south by 36° 30', is doing no more than what the South has consented should be done, and is in no sense a compromise. But the free State of California extends south of this line, and hence her southern boundary is unsuitable, and hence Mr. Clay's resolution makes a tacit provision for depriving the State of so much of her territory as her Southern friends have resolved shall not be consecrated to freedom. Mr. Foote, of Mississippi, observed in relation to this very resolution, "I see no objection to admitting all California above the line of 36° 30' into the Union, provided another new slave State be laid off within the present limits of Texas." To this laying off another new slave State, Mr. Clay's compromise opposes no obstacle! Had Mr. Clay proposed the admission of California with "its present boundaries," his offer would so far have been a compromise, as to concede something to freedom as a consideration for the surrender of the Wilmot Proviso.

2. The next resolution declares, that "as slavery does not exist by law, and is not likely to be introduced" into any of the conquered territories, they should be organized under territorial governments, without any restriction on the subject of slavery. The proposed assertion by Congress that slavery does not exist by law in the territories, is hailed as an all-sufficient balm to the consciences of those who recoil with horror at the idea of being in any degree responsible for the extension of human bondage. And what, let me ask, is this declaration, but the enunciation of a bald truism? We all know there is no law, Mexican or American, recognizing slavery in the territories. Mr. Clay, adroitly avoids drawing any inference from this acknowledged fact, but expects that the good people of the North will draw for themselves the inference, that because slavery does not exist by law, therefore it is prohibited by law. Property in elephants does not exist by law in New York, but still it exists, because it is not prohibited by law. Mr. Clay well knows that Mr. Calhoun and the great mass of the slaveholders contend that in the absence of a prohibitory law, men, women and children, as well as horses and sheep, may be held as property in any territory in the United States; and this doctrine Mr. Clay himself nowhere denies. Nay, further, Mr. Calhoun insists, and I believe truly, that slavery never has been established by law in any country—that after property in man has been acquired, then, and not before, laws are passed to protect it. The slaveholders ask for no act of Congress authorizing them to carry their property into the territories. All they ask is that no prohibitory law shall be passed, and then they will carry their slaves where they please, and keep them by their own strong hand without law, till in their territorial legislatures they shall pass such laws on the subject as they shall find needful. Not a word in Mr. Clay's compromise contravenes this legal theory, or prevents its reduction to practice. Slavery did once exist by law in these territories: why does it not now? Mr. Clay answers the question by telling us that Mexican law abolished it. Now he perfectly well knows that the Mexican law not only abolished but prohibited slavery. If that law was repealed by the conquest, then the old law was revived, and slavery does now exist by law. If the law was not repealed by the conquest, then the law is still in force and slavery is now prohibited by law. Why then does not Mr. Clay fairly and honestly declare that slavery is now prohibited by law? Because this would indeed be a compromise, and would render the proviso nugatory, and would secure the territories from the curse of slavery. The very omission of such a declaration implies a denial of an existing prohibition, and in such denial he well knows the whole South concurs. So far, then, is Mr. Clay's inconsequential truism from being a compromise, that it surrenders to the South even more than she has demanded, and throws open to the slaveholders the whole territory north as well as south of the Missouri line.

But to reconcile the North to this total surrender, they are to be favored by Congress with the opinion, that it is not likely that slavery will be introduced into any part of the conquered territory. What is only improbable is at least possible, and hence this legislative opinion would, in fact, be a solemn and official declaration, that there is no legal prohibition to the introduction of slavery. It is not pretended that this opinion which Congress is to volunteer, is to have any legal force whatsoever. But what, if time shall prove the opinion to have been erroneous, will it be any consolation to the North for having by their act blighted immense regions with human bondage, that they had been fooled by an opinion?

Mr. Downs, of Louisiana, in reply to Mr. Clay, asserted that there were already in the territories "some four or five hundred slaves;" and another member declared that there would now have been plenty of slaves had there not been masters been apprehensive of the Proviso. If Mr. Clay is correct in his opinion, the slaveholders have been strangely mistaken. It was openly avowed during the war, that the territory to be conquered south of 36° 30' would be a slave region. Before our army entered the city of Mexico, we were offered all Texas proper, and the whole of New-Mexico and California north of thirty-seven degrees; an extent of territory equal to nine States of the size of New-York. The offer was rejected, and thousands were slaughtered to obtain territory south of 36° 30', to be peopled with slaves. From the first mention of the Proviso, our Northern editors and politicians in the slave interest opposed it as unnecessary, because, as they assured us, the soil and climate of these territories were unsuitable to slave labor. The slaveholders knew better, and never indorsed the falsehood of their allies. Mr. Waddy Thompson, of South Carolina, Minister to Mexico, announced to his brethren, writing of California, "Sugar, rice and cotton find there their own congenial climate."—*Recollections of Mexico*, p. 234.

Did the South make war upon Mexico only to acquire free territory? Is she now threatening disunion and civil war for a privilege she "is not likely" to exercise?

Upon what does Mr. Clay rest his strange, unnatural opinion? Almost exclusively on the exclusion of slavery from the California constitution. He does not pretend that this exclusion was owing to the unfitness of the soil and climate for slave labor. We all know that the unexpected discovery of gold suddenly collected in California a large Northern population, naturally averse to slavery, and jealous of the competition of slave labor in digging gold. But does gold exist in Deseret or New-Mexico? or is there a large Northern population in California, south of 36° 30'? Is it logical to infer that slavery is not likely to be introduced into these territories, even with the sanction of Congress, because under totally different circumstances it has been excluded from California? New-Mexico is separated by an imaginary line from Texas, and about half of it is claimed by that slave State. Is it likely that Texan slaveholders will not cross the line with their property, or occupy territory they claim as their own?

The settlers in Deseret have formed a Constitution virtually allowing slavery, by not prohibiting it. The gold diggers in California are concentrated far north of 36° 30'; the city of San Francisco is also north of that line, while south of it is a large area, where there is little to obstruct the introduction of slavery. Under these circumstances, there are probably very few men in Congress who would dare, on their oaths, to affirm the opinion expressed by Mr. Clay. That opinion is at best a calculation of chances; a calculation on which no man would hazard a thousand dollars; yet this miserable calculation is offered to the North as a compensation for the surrender of all the political and moral blessings which the Proviso would secure.

Mr. Clay utterly demolishes Gen. Cass's argument against the constitutionality of the Proviso, and affirms most positively the right of Congress to prohibit slavery in the territories. But how stands the question of duty and moral consistency between these two gentlemen? Undeniably in favor of the General. He has not, indeed, undertaken to solve the nice and difficult question whether human bondage is a curse or a blessing. He is sensibly alive to the atrocity of flogging two or three Hungarian women, but makes no comment on laws which subject thousands and tens of thousands of American women to the lash. He calls upon the nation to express its indignation at the execution of a few Hungarian insurgents taken with arms in their hands, but gives no opinion how far it would be right or wrong to shoot certain of his own countrymen, if taken in revolt against worse than Austrian oppression. But he contends that whatever may be the moral character of slavery, Congress has no constitutional right to prohibit it, and therefore ought not to prohibit it. On the other hand, Mr. Clay frankly declares that slavery is wrong, "a grievous wrong," that to propagate slavery is to propagate wrong. He affirms the constitutional power of Congress to prohibit this propagation of wrong, and then calls upon Congress to permit slaveholders to propagate this wrong when and where they please over the whole wide extent of our conquered territory, with the single exception of what may be included within the State of California. Before God and man, Gen. Cass's conclusion from his premises is justified, while the conclusion drawn by Mr. Clay from his premises is condemned as hostile to morality and humanity.

3. This resolution merely gives to Texas more territory than she is entitled to, and less than she demands; and is so far a compromise of territorial claims; but in no degree a compromise between the friends and enemies of human rights, since what is to be taken from Texas is to be immediately thrown open to the slaveholders.

4. Texas had, before annexation, pledged her duties on foreign commerce as security to certain creditors. These duties, by annexation, were surrendered to the United States. Mr. Clay proposes that the United States shall assume the debts due to these creditors if Texas will relinquish her claims on New Mexico. If justice requires the nation to assume these debts, their acquisition ought not to depend on thecession of territory by Texas. If in justice we do not owe these debts, their payment by us will in fact be a gratuity to Texas for the relinquishment of one of the most important and fraudulent claims ever made. We have official information, communicated by General Jackson to Congress, that the Texans, when defining the boundaries of their new-born republic, at first determined to include California; and beyond all question they had then as much right to San Francisco as they now have to Santa Fe. The proposition of Mr. Clay is therefore to pay Texas for territory to which she admits she has no title, and then to throw open the territory so purchased to the slaveholders.

ers. In this, I can see no concession to the North.

5. Congress is to declare it inexpedient to abolish slavery in the District of Columbia, except with the assent of Maryland and the people of the District, and making compensation to the slaveholders. The unlimited power of Congress to abolish slavery in the District is fully conceded, yet he calls on Congress not to do, what many of its members and vast multitudes of their constituents believe it their moral duty to do. In this proposal I can find no other compromise but that of conscience.

6. The next proposal is to prohibit the importation of slaves into the District for sale. In other words, the inhabitants are to have a monopoly of the trade in human beings. These good people are not to be deprived of the privilege of importing as many slaves as they may want for their own use, nor of selling husbands, and wives, and children, to be transported to the extremities of the Union; but foreign traders shall no longer be permitted to glut the Washington market with their wares. The moment the resolution passes, human chattels will rise in value in the capital of our republic. I object not to the abolition of the trade, since it will remove one of the many abominations with which slavery has disgraced the seat of our national government; but I deny that the proposition involves the slightest concession on the part of the slaveholders. Says Mr. Clay himself, "Almost every slaveholding State in the Union has exercised its power to prohibit the introduction of slaves as merchandise." The power is exercised or not, according to convenience, and as it is thought most profitable to breed or to import slaves.

7. We now come to a grand specific for giving ease to Northern consciences, for allaying all irritation, and for restoring a general healthful action throughout the present morbid system of the confederacy! I will give the recipe in full: "Resolved, that more effectual provision ought to be made by law for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or territory of this Union." That I may not be accused of injustice to Mr. Clay in my subsequent remarks, I will quote from his speech on this point: "I do not say, sir, that a private individual is obliged to make the tour of his whole State, in order to assist the owner of a slave to recover his property; but I do say, if he is present when the owner of a slave is about to assert his rights and regain possession of his property, that he and every one present, whether officer or agent of the State government, or private individual, is bound to assist in the execution of the laws of their country." "I will go with the farthest Senator from the South in this body to make penal laws to impose the heaviest sanctions upon the recovery of fugitive slaves, and the restoration of them to their owners."

Such is the panacea, and such is the manner in which our medical adviser proposes to administer it. He must not be surprised should some difficulty be experienced in compelling the patient to swallow the draught.

Mr. Clay has long been a favorite of those field sports in which the prey is man, and he has the merit, it is believed, of being the first to conceive the grand idea of securing a national intercommunity in these sports, by means of international treaties. So early as the 10th June, 1826, as Secretary of State, he proposed to the British government to throw the Canada open for this sport, and in return, to British sportsmen should be accorded the privilege of hunting West India negroes throughout the whole extent of the American Republic. But John Bull rejected the tendered reciprocity, and curtly replied, "The law of Parliament gave freedom to every slave who effected his landing on British ground."

About the same time we requested from Mexico the boon of hunting negroes over her wide area. The desired favor was denied, and we have since forcibly added almost half her territory to our own hunting grounds. Of all the game laws in existence, that of 1793, which regulates the chase of negroes, is the most horrible; yet Mr. Clay is dissatisfied with it, and calls upon Congress to make it "more effectual," and of course more horrible. Should a Virginian come to New York in search of his horse, and find him in possession of another, who claims him as his property, how is he to recover the animal? Only by process of law, and that process requires that a jury of twelve impartial men, drawn by lot, shall pass upon the conflicting claims. Neither party has any choice in selecting the jury, nor can either establish his claim by his own evidence. But if the Virginian is hunting a man, and sees one that will serve his purpose, and who will fetch a thousand dollars in the Southern market, but who claims to belong to himself, how is he to secure him? Why, he may catch his man as well as he can, and without warrant may carry him before any Justice of the Peace whom for sufficient reasons he may think proper to select, and swear that the man he has caught is his, and the Justice may surrender the man to perpetual bondage, degradation and misery. Various officers besides justices, are authorized to act, so that the Virginian has a wide choice. Surely this is hunting made easy by law; but it is not found so easy in practice. Lately, various States have prohibited their own officers from assisting in the chase of human beings, and citizens rarely lend any unpaid assistance. Hence a new game law is deemed needful, and Mr. Clay, as we have seen, is pledged to go with "the farthest Southern Senator," the most devoted lover of the sport, to make it effectual. The Judiciary Committee have accordingly reported a bill now before the Senate. "I agree," said Mr. Mason, one of the farthest Southern Senators, in his speech on this bill, (28th January), "I agree that the Federal Government has no power to impose duties of any kind upon officers of State governments as such." Of course, the obligation imposed by the law of 1793, upon Justices of the Peace and other State officers, to catch slaves, are void, and our Northern Legislatures, it is admitted, have a right to prohibit them from participating in slave hunts.

To obviate this difficulty, it becomes necessary to select other than State officers to adjudicate upon questions of higher import than any, with the single exception of life and death, that ever exercised the talents, learning, virtue, and independence of the most august tribunals of any civilized country. And who are the grave and reverend judges appointed by this bill to sit in judgment on the liberty or bondage of native-born Americans? Among these judges are TWENTY THOUSAND POSTMASTERS! Each one of these new judges is authorized to adjudicate any man, woman, or child, black or white, to be a vendible chattel; and this judgment is to be founded on any proof that may be satisfactory to said postmaster, in the words of the bill, "either by oral testimony or by affidavit," nor is the testimony, either oral or by affidavit, of the interested claimant excluded; and from this judgment there is no appeal! Slavery is no longer confined to one color. The Southern papers abound with advertisements offering rewards for fugitive slaves, containing the caution, that the fugitive will probably attempt to pass for a white person.

A few years since a Maryland slaveholder caught in Philadelphia a white girl, (Mary Gilmore), whom he claimed as his slave. The case was brought before a Pennsylvania judge, and occupied two days, and it was proved by the most abundant, overwhelming evidence, that the alleged slave was the orphan daughter of poor Irish parents. The mother had died in the Philadelphia hospital, and the daughter had never been in Maryland. By a pending amendment to this bill, every man and woman who, prompted by the holiest impulses of our nature, shall "harbor or conceal" the prey from the hunter, is to be visited with fine and imprisonment. A few days after Mr. Clay introduced his resolutions, Bruin and Hill, slave-traders in Alexandria, wrote a letter, since published in the newspapers, stating for the information of a free mother in New York who wished to redeem her daughter from bondage, that they cannot afford to sell "the girl Emily for less than EIGHTEEN HUNDRED DOLLARS." Why this prodigious price? They said, "We have two or three offers for Emily from gentlemen from the South. She is said to be the finest looking woman in this country."

Should this devoted victim escape from her keepers, and be afterwards found concealed in her mother's house, not only is she to be carried back and subjected to the fate intended for her, but the mother is liable by the present bill to be sentenced to pay a fine of five hundred dollars to the United States, to pay Messrs. Bruin and Hill one thousand dollars for damages, and be imprisoned six months. We hope for Mr. Clay's reputation, no "farthest senator from the South" will ask for heavier penalties, for if he does, Mr. Clay is pledged to vote for "the heaviest sanctions" that may be proposed. But suppose this poor girl should find her way to Peekskill, instead of New York, and in your absence, with bursting heart, ask to be sheltered in your house from her pursuers. Can you for a single moment admit the possibility, that your wife, the mother of your children, could, through fear of the law, so unsex herself as to turn the trembling fugitive into the street, to be caught by the hunters? A thousand times rather would you see the partner of your bosom enduring Mr. Clay's "heaviest sanctions," than bringing ignominy upon herself, and covering her husband and children with shame and confusion of face, by committing a crime so foul and damnable. Mr. Mason, in his speech, insists upon the right of the hunter, "to enter peaceably any enclosure or dwelling where such slave may be found, for the purpose of taking him." Should this asserted right be incorporated into the compromise bill, then may Southern ruffians and Northern dogfaces be long roaming through our bedrooms and ransacking our closets in search of prey. Should an attempt be made to enforce "the heaviest sanctions" for which Mr. Clay is ready to vote, he may be assured the prisons in New York and New England are too few to hold the vast multitudes of men and women who would willingly tenant them, rather than peril their souls by betraying the fugitive or assisting in his capture. Mr. Clay very kindly declines requiring "a private individual to make the tour of his whole State" in search of a slave, but he insists that all who are present when the game is started, ought to follow the hounds. Could he but enforce this obligation, we should have some grand turn-outs in New York and New England, some like one fancied by the poet:

"Gay look to our hunters! how nobly they ride,
In the glow of their zeal, and the strength of their pride!
The priest with his cassock flung back on the wind,
Just screening the politic statesman behind—
The saint and the sinner, with cursing and prayer;
The drunk and the sober ride merrily there.
Oh! goodly and grand is our hunting to see,
In this land of the brave and this home of the free!
Right merrily hunting the black man, whose sin
Is the color of his hair and the hue of his skin.
So speed to their hunting o'er mountain and glen,
Through cane-break and forest—the hunting of men!"

But the Constitution! This instrument declares, in substance, that the fugitive slave shall be delivered up; but Mr. Clay, I believe, is the first lawyer who has contended that the obligation of delivery rests upon "private individuals." Even Mr. Mason, in his speech, insists that the mandate to deliver up is "addressed to the jurisdiction of the State into which the fugitive may escape." Of course, individual citizens, as such, are under no constitutional obligation to volunteer to catch slaves. But, suppose a positive law should enjoin such individual to betray or aid in capturing the fugitive?—the question put by the Apostles, when legally forbidden to teach in the name of Jesus, would then recur: "Whether it be right in the sight of God, to hearken unto you, more than unto God, judge ye." It is not merely the right, but the duty of a Christian to refuse an active obedience to any and every law of man, which he believes contravenes the commands of his Maker; and then, like the Apostles, to offer no forcible resistance to the penalties attached to his disobedience.

Mr. Clay may be assured, that the bill of pains and penalties promised in his seventh resolution, will not have the composing influence he anticipates. Filling our prisons with pious, benevolent, kind-hearted men and women, will have little effect in suppressing agitation. In his compromising any one, Mr. Clay has omitted an important ingredient. Ample provision is to be made for the recovery of Southern slaves, but none for the recovery of Northern citizens. If the Constitution gives the Southern planter a right to seize his slave in New-York or Massachusetts, equally explicit is the grant to citizens of those States to enjoy all the rights of citizenship in South Carolina. Yet, if certain of our citizens, freeholders and electors at home, think proper to visit that State, a prison is the only refuge to which they are permitted to occupy; and should the State to which they belong send an agent to inquire why they are immured in a jail, and to bring their case before the Supreme Court of the United States, he is compelled to flee at the hazard of his life!

8. The last item of this grand compromise is virtually a guaranty that the American slave-trader, vile and loathsome as it is, shall be held sacred from prohibition or obstruction by the Federal Government for all time to come. The stow and stripes shall forever protect each constant vessel that shall be freighted with human misery and despair, and manacled coffles shall, without molestation, be driven across the continent from the Atlantic to the Pacific. The slave-trade in the District, that is, in one single market,

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by oral testimony or by affidavit," nor is the testimony, either oral or by affidavit, of the interested claimant excluded; and from this judgment there is no appeal! Slavery is no longer confined to one color. The Southern papers abound with advertisements offering rewards for fugitive slaves, containing the caution, that the fugitive will probably attempt to pass for a white person.

A few years since a Maryland slaveholder caught in Philadelphia a white girl, (Mary Gilmore), whom he claimed as his slave. The case was brought before a Pennsylvania judge, and occupied two days, and it was proved by the most abundant, overwhelming evidence, that the alleged slave was the orphan daughter of poor Irish parents. The mother had died in the Philadelphia hospital, and the daughter had never been in Maryland. By a pending amendment to this bill, every man and woman who, prompted by the holiest impulses of our nature, shall "harbor or conceal" the prey from the hunter, is to be visited with fine and imprisonment. A few days after Mr. Clay introduced his resolutions, Bruin and Hill, slave-traders in Alexandria, wrote a letter, since published in the newspapers, stating for the information of a free mother in New York who wished to redeem her daughter from bondage, that they cannot afford to sell "the girl Emily for less than EIGHTEEN HUNDRED DOLLARS." Why this prodigious price? They said, "We have two or three offers for Emily from gentlemen from the South. She is said to be the finest looking woman in this country."

Should this devoted victim escape from her keepers, and be afterwards found concealed in her mother's house, not only is she to be carried back and subjected to the fate intended for her, but the mother is liable by the present bill to be sentenced to pay a fine of five hundred dollars to the United States, to pay Messrs. Bruin and Hill one thousand dollars for damages, and be imprisoned six months. We hope for Mr. Clay's reputation, no "farthest senator from the South" will ask for heavier penalties, for if he does, Mr. Clay is pledged to vote for "the heaviest sanctions" that may be proposed. But suppose this poor girl should find her way to Peekskill, instead of New York, and in your absence, with bursting heart, ask to be sheltered in your house from her pursuers. Can you for a single moment admit the possibility, that your wife, the mother of your children, could, through fear of the law, so unsex herself as to turn the trembling fugitive into the street, to be caught by the hunters? A thousand times rather would you see the partner of your bosom enduring Mr. Clay's "heaviest sanctions," than bringing ignominy upon herself, and covering her husband and children with shame and confusion of face, by committing a crime so foul and damnable. Mr. Mason, in his speech, insists upon the right of the hunter, "to enter peaceably any enclosure or dwelling where such slave may be found, for the purpose of taking him." Should this asserted right be incorporated into the compromise bill, then may Southern ruffians and Northern dogfaces be long roaming through our bedrooms and ransacking our closets in search of prey. Should an attempt be made to enforce "the heaviest sanctions" for which Mr. Clay is ready to vote, he may be assured the prisons in New York and New England are too few to hold the vast multitudes of men and women who would willingly tenant them, rather than peril their souls by betraying the fugitive or assisting in his capture. Mr. Clay very kindly declines requiring "a private individual to make the tour of his whole State" in search of a slave, but he insists that all who are present when the game is started, ought to follow the hounds. Could he but enforce this obligation, we should have some grand turn-outs in New York and New England, some like one fancied by the poet:

"Gay look to our hunters! how nobly they ride,
In the glow of their zeal, and the strength of their pride!
The priest with his cassock flung back on the wind,
Just screening the politic statesman behind—
The saint and the sinner, with cursing and prayer;
The drunk and the sober ride merrily there.
Oh! goodly and grand is our hunting to see,
In this land of the brave and this home of the free!
Right merrily hunting the black man, whose sin
Is the color of his hair and the hue of his skin.
So speed to their hunting o'er mountain and glen,
Through cane-break and forest—the hunting of men!"

But the Constitution! This instrument declares, in substance, that the fugitive slave shall be delivered up; but Mr. Clay, I believe, is the first lawyer who has contended that the obligation of delivery rests upon "private individuals." Even Mr. Mason, in his speech, insists that the mandate to deliver up is "addressed to the jurisdiction of the State into which the fugitive may escape." Of course, individual citizens, as such, are under no constitutional obligation to volunteer to catch slaves. But, suppose a positive law should enjoin such individual to betray or aid in capturing the fugitive?—the question put by the Apostles, when legally forbidden to teach in the name of Jesus, would then recur: "Whether it be right in the sight of God, to hearken unto you, more than unto God, judge ye." It is not merely the right, but the duty of a Christian to refuse an active obedience to any and every law of man, which he believes contravenes the commands of his Maker; and then, like the Apostles, to offer no forcible resistance to the penalties attached to his disobedience.

Mr. Clay may be assured, that the bill of pains and penalties promised in his seventh resolution, will not have the composing influence he anticipates. Filling our prisons with pious, benevolent, kind-hearted men and women, will have little effect in suppressing agitation. In his compromising any one, Mr. Clay has omitted an important ingredient. Ample provision is to be made for the recovery of Southern slaves, but none for the recovery of Northern citizens. If the Constitution gives the Southern planter a right to seize his slave in New-York or Massachusetts, equally explicit is the grant to citizens of those States to enjoy all the rights of citizenship in South Carolina. Yet, if certain of our citizens, freeholders and electors at home, think proper to visit that State, a prison is the only refuge to which they are permitted to occupy; and should the State to which they belong send an agent to inquire why they are immured in a jail, and to bring their case before the Supreme Court of the United States, he is compelled to flee at the hazard of his life!

Mr. Clay pronounces "detestable," and talks with horror of "the cortices which pass along our avenues of manacled human beings." But why this outburst of indignation against a lawful commerce? Is it dishonorable to sell merchandise? Has not Mr. Clay himself proclaimed, "that is property which the law makes property?" Why does he dishonor the Washington man-merchants? Is it base to buy and sell "detestable trade" is, in fact, supported by the gentlemen breeders who sell, and the gentlemen planters who buy. But this trade which is so "detestable," and these cortices which are so horrible on a very little scale, are now to assume a national importance, protected and sanctioned by the government of the whole Republic!

Such, sir, is the magnificent compromise which so many of our whig and democratic politicians, now that the elections are over, and the solemn pledges made in favor of the Wilmot proviso supposed to be forgotten, are willing to accept as a brightly boon to human rights, and a mighty barrier against the further encroachment of the slave power. In my ears the only language addressed by these eight resolutions, to the North, is the cry of the horse-leech—GIVE, GIVE. No test can detect in them, no microscope can reveal the most minute concession to human liberty. Not one single inch of territory does the proposed compromise secure from slavery that is not already rescued from its power. Not one single human being will it save from bondage.

The extension of the Missouri line to the Pacific would at least have rendered all on the north of that line free; but says Mr. Clay, most truly, although with a frankness almost insulting to the North, "I say, sir, in my place here, that it is much better for the South that the whole subject should be open on both sides an imaginary line of 36° 30', than that slavery should be interdicted north of 36° 30', with freedom to admit or exclude it south of 36° 30', at the will of the people."

But, Mr. Clay exclaimed, "No earthly power could induce me to vote for the positive introduction of slavery south or north of that line," and this heroic avowal the galleries applauded. But the galleries are not deeply versed in Southern tactics. Mr. Clay need apprehend no coercion to extort his reluctant vote for a purpose no one desires or demands. The South have, with one voice, denied the power of Congress either to prohibit or establish slavery in the territories. Hence Mr. Clay's defiance of "any power on earth to make him do what nobody wants him to do, was, at least, a rhetorical flourish.

But if this pretended compromise is, as I contend, a full and unqualified surrender of all the demands of the North, why did certain ultra Senators object to it? A show of resistance might have been deemed politic, as tending to make northern men suppose there must be something granted to them, although they could not tell what. It may also suit the party purposes of some, to prolong the present agitation, that they may manufacture more patriotism for the southern market; and lastly, if any really wish to form a separate republic in which they expect to have more power than they now enjoy, they will of course reject all concessions, however great. But it is incredible that the mere slaveholders, the men who are only anxious to open new markets for the sale of their stock, and to acquire more votes in Congress, should be averse to a proposition that offers them all they have ever asked, and all that Congress can give them, with the exception of the suppression of the right of petition, and the censorship of the Post-Office, and these are not now in issue.

But we are told that unless we yield to the demands of the slaveholders, they will dissolve the Union. And what are these demands, which Mr. Clay admits we have full right to refuse? Why, that a small body of men, not probably exceeding 100,000, shall be at liberty, for their own aggrandizement, to blight with the curse of slavery our vast possessions south of 36 degrees 30 minutes, and whatever portion of Mexico it shall hereafter be found convenient to seize. Thus at a time when cruelty and oppression are elsewhere giving way before the increasing intelligence and morality of the age, we, the Model Republic, are to be the instrument of extending over illimitable regions now free, a despotism more accursed than any other known throughout the civilized world—a despotism that not only enslaves the body, but crushes the intellect through which man is enabled to distinguish between right and wrong, and to exercise all his rights, sets at naught all the affections of the heart, and converts a being made in the image of God, into a soulless machine. Tell me not of exceptions—of some lucky chattel, like Mr. Clay's negro, referred to in his speech, who in his master's kitchen, hugs his chain, laughs at his growls, and grows fat. He is but a vendible commodity, and to-morrow's sun may behold him toiling under the lash, his wife given to another, and his children with pigs and mules sold at auction to the highest bidder. Tell me not of exceptions—"the kind owner may at any moment be exchanged by death or debt for the hardened, remorseless task-master, and the law sanctions every atrocity perpetrated upon the slave." No, my dear sir, I cannot give my consent, and I hope it will not be given for me by my representative, to curse a vast empire with such an institution, and to doom unborn millions to its unutterable abominations, even to save our southern brethren from the sin and folly of founding a new Republic (I upon the denial of human rights, and of rendering themselves a by-word, a proverb and a reproach among the nations of the earth. I value the favor of my God, and the salvation of my soul, too much to take part or lot in such great wickedness. Most fully do I agree with Mr. Clay, that Congress has no more constitutional authority over slavery in the States, than in the island of Cuba; and most fully do I agree with him, in his speech, that the States are bound in their resolutions, of the right of Congress to exclude slavery from the conquered territories. Hence in my opinion, the refusal to exercise this right, even to preserve the Union, would be a crime in the sight of God and man. I entertain no apprehension of the severance of the Union for this cause, but should the few slaveholders and the vast multitude of Southern people who have no interest in slavery, in their madness separate from us, upon them will rest the sin, and upon them and their children will fall its punishment. Let us do what God commands, and leave to Him the consequences.

Yours truly,
WILLIAM JAY.

* A late census in Kentucky reveals the fact, that the slaveholders in that State own on an average 22 slaves; should this average be applied to the whole slave region, the number of masters, according to the census of 1840, cannot exceed 117,000.

† Our dogfaces are always complaining that their employers are slandered at the North. Let the employers speak for themselves. In *Des. Reports*, (North Carolina), p. 253, 1829, we find the case of *The State vs. Mann*. The defendant, a colored man, was charged with the crime of seduction; he retorted; he ordered her to come to him, but she continuing to retreat, he seized his gun, fired at and wounded her. For this he was indicted. The court held that he was liable for the time being, in force of all the powers of the owner himself to enforce obedience, and that the indictment could not be sustained. Said Judge Rufin: "The power of the master must be absolute, to render the submission of the slave perfect. I most sincerely confess my sense of the harshness of this proposition. I feel it as deeply as any man can; and as a principle of moral right, every man in his reason must repudiate it. But in the actual state of things it must be so—there is no remedy. THIS DISCIPLINE BELONGS TO SLAVERY." Verily, we are the people to lecture Austria!

way, the colored population in all that vast region will have at once the protection of the law and the advantage of a well-ordered Government. This, too, without any trouble or expense to the United States.

As for Georgia, her convention